



EXPRESS MAIL NO.: EV452773545US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kiener et al.

Confirmation No. 5468

Application No.: 10/823,259

Group Art Unit: 1642

Filed: April 12, 2004

Examiner: To Be Assigned

For: EphA2 HYPOPROLIFERATIVE CELL
DISORDERS, AND EPITHELIAL AND
ENDOTHELIAL RECONSTITUTION

Attorney Docket No.: 10271-058-999

**TRANSMITTAL OF POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. § 3.71**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Power of Attorney By Assignee and Exclusion of Inventor(s) Under 37 C.F.R. §3.71 executed by William C. Bertrand, Jr., Vice President, General Counsel, on behalf of MedImmune, Inc., the assignee of the above-identified patent application. Applicant respectfully requests that the enclosed Power of Attorney By Assignee and Exclusion of Inventor(s) Under 37 C.F.R. §3.71 be made of record in the file of the application.

Applicant does not believe there is a fee due in connection with this submission. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: November 2, 2004

By: Margaret B. Brivanlou 40,922 (Reg. No.)
Jennifer J. Chheda 46,617 (Reg. No.)
Jones Day
222 East 41st Street
New York, NY 10017
(Tel: (212) 326-3939)



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POWER OF ATTORNEY

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Application of: Kiener et al.

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For: EPHA2, HYPOPROLIFERATIVE CELL
DISORDERS AND EPITHELIAL AND
ENDOTHELIAL RECONSTITUTION

Attorney Docket No.: 10271-058

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. § 3.71
WITH STATEMENT UNDER 37 C.F.R. § 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Practitioners at Customer Number 20583 all of Jones Day, whose address is 222 East 41st Street, New York, New York 10017, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all correspondence for this application to Customer no. 20583.

Statement Under 37 C.F.R. § 3.73(b)

states that it is:

- ☒ the assignee of the entire right, title, and interest; or
☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application/patent identified above.
A copy of the assignment is attached hereto.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above,
to the current assignee as shown below:

1. From: To:
The document was recorded in the United States Patent and Trademark Office on
at Reel , Frame , or for which a copy thereof is attached.

2. From: To:
The document was recorded in the United States Patent and Trademark Office on
at Reel , Frame , or for which a copy thereof is attached.

3. From: To:

The document was recorded in the United States Patent and Trademark Office on
at Reel , Frame , or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☒ Copies of assignments or other documents in the chain of title are attached.
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP § 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE:

Date: Sept. 16 2004 Signature: Will C

Typed Name: William C. Bertrand, Jr.

Position/Title: Vice President, General Counsel

ASSIGNMENT

WHEREAS, WE, **PETER A. KIENER, MICHAEL S. KINCH** and **SOLOMON LANGERMANN**, ASSIGNORS, citizens of the United States, residing at 2 Saddleview Lane, Doylestown, Pennsylvania 18901, 19627 Hoover Farm Drive, Laytonsville, Maryland 20882, and 6606 Cross Country Boulevard, Baltimore, Maryland 20878 are the inventors of the invention in **EpHA2 HYPOPROLIFERATIVE CELL DISORDERS AND EPITHELIAL AND ENDOTHELIAL RECONSTITUTION** for which we have executed an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐
☒ which is identified by Jones Day docket no. **10271-058-999**
☒ which was filed on **April 12, 2004**, Application No. **10/823,259**
☐ We hereby authorize and request our attorney, . of Jones Day, , to insert here in parentheses (Application number, _____ filed _____) the filing date and application number of said application when known.

and WHEREAS, **MEDIMMUNE, INC.**, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date <u>Sept 16th</u> , 2004	<u>Peter A. Kiener</u> L.S.
Date <u>Sept 16</u> , 2004	<u>M. S. Kinch</u> L.S.
Date _____, 2004	<u>Solomon Langermann</u> L.S.

State of Maryland,
 County of Montgomery) SS.:

On September 16, 2004, before me Deirdre C. Hean, Notary Public, personally appeared Peter A. Kiener, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Deirdre C. Hean

State of Maryland)
County of Montgomery) SS.:

On September 16, 2004, before me, Dorinda C. Hayes, Notary Public, personally appeared Michael S. Kinch, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of _____)
County of _____) SS.:

On _____, 2004, before me, _____, Notary Public, personally appeared Solomon Langermann, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

ASSIGNMENT

WHEREAS, WE, **PETER A. KIENER, MICHAEL S. KINCH** and **SOLOMON LANGERMANN**, ASSIGNORS, citizens of the United States, residing at 2 Saddlevue Lane, Doylestown, Pennsylvania 18901, 19627 Hoover Farm Drive, Laytonsville, Maryland 20882, and 6606 Cross Country Boulevard, Baltimore, Maryland 20878 are the inventors of the invention in **EpHA2 HYPOPROLIFERATIVE CELL DISORDERS AND EPITHELIAL AND ENDOTHELIAL RECONSTITUTION** for which we have executed an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐
- ☒ which is identified by Jones Day docket no. **10271-058-999**
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- ☐ We hereby authorize and request our attorney, . of Jones Day, , to insert here in parentheses (Application number, _____ filed _____) the filing date and application number of said application when known.

and WHEREAS, **MEDIMMUNE, INC.**, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date	_____	, 2004	_____	L.S.
			Peter A. Kiener	
Date	_____	, 2004	_____	L.S.
			Michael S. Kinch	
Date	<u>09/15/04</u>	, 2004	_____	L.S.
			Solomon Langermann	

State of _____)
) SS.:
 County of _____)

On _____, 2004, before me, _____, Notary Public, personally appeared **Peter A. Kiener**, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of)

) SS.:

County of)

On _____, 2004, before me, _____ Notary Public, personally appeared Michael S. Kinch, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

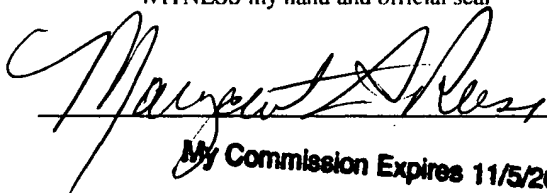
State of)

) SS.:

County of)

On Sept. 15, 2004, before me, Margaret A. Reese, Notary Public, personally appeared Solomon Langermann, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal


My Commission Expires 11/5/2007